



## PLANNING COMMISSION MEETING

October 26, 2023 at 7:00 PM

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950 Senoia Road, Tyrone, GA 30290

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David Nebergall, Chairman

Scott Bousquet, Commissioner  
Jeff Duncan, Commissioner  
Phillip Trocquet, Town Planner

Post 5, Vacant  
Brad Matheny, Commissioner  
Patrick Stough, Town Attorney

### AGENDA

*Social Distancing will be observed, and seating is limited. The meeting can be accessed live at [www.tyrone.org/youtube](http://www.tyrone.org/youtube). If you do not plan to attend, please send any agenda item questions or comments to Town Manager Brandon Perkins ([bperkins@tyrone.org](mailto:bperkins@tyrone.org)).*

#### I. CALL TO ORDER

#### II. APPROVAL OF AGENDA

#### III. APPROVAL OF MINUTES

1. October 12, 2023

#### IV. PUBLIC HEARING

2. Consideration of a text amendment to section 113-2 of Article I of the Zoning Ordinance regarding definitions for Hotels, Motels, and Extended Stay. **Phillip Trocquet**

3. Consideration of a text amendment to Section 113-128 of the zoning ordinance regarding development standards, permitted, and conditional uses for the C-1 zoning district. **Phillip Trocquet, Community Development**

4. Consideration of a text amendment to Section 113-129 of the zoning ordinance regarding development standards, permitted, and conditional uses for the C-2 zoning district. **Phillip Trocquet, Community Development**

5. Consideration of a Text Amendment to section 113-190 of the zoning ordinance regarding conditions for hotels, motels, lodging houses, inns, and tourist courts. **Phillip Trocquet**

#### V. NEW BUSINESS

#### VI. STAFF COMMENTS

**VII. COMMISSION COMMENTS**

**VIII. ADJOURNMENT**



**PLANNING COMMISSION  
MEETING**

**October 12, 2023 at 7:00 PM**

*950 Senoia Road, Tyrone, GA 30290*

**David Nebergall, Chairman**

**Brad Matheny, Commissioner**  
**Jeff Duncan, Commissioner**  
**Phillip Trocquet, Town Planner**

**Carl Schouw, Vice-Chairman**  
**Scott Bousquet, Commissioner**  
**Patrick Stough, Town Attorney**

**AGENDA**

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**I. CALL TO ORDER**

Meeting was called to order at 7:00pm

**II. APPROVAL OF AGENDA**

Vice-Chairman Schouw made a motion to approve the agenda. Commissioner Matheny seconded the motion. Motion carried 4-0.

**III. APPROVAL OF MINUTES**

- 1. September 14, 2023

Vice-Chairman Schouw made a motion to approve the minutes. Commissioner Duncan seconded the motion. Motion carried 4-0.

**IV. PUBLIC HEARING**

**V. NEW BUSINESS**

- 2. Development and Natural Resource/Stormwater Management Presentation. **Devon Boullion, Environmental Specialist**

Mr. Trocquet introduced the item and stated that the presentation could be found at the following link: <https://storymaps.arcgis.com/stories/bea2f5533cc54e25ad246b691faf803e>. Mr. Trocquet then gave an overview of the presentation and introduced Ms. Boullion, the Town's Environmental Specialist.

Ms. Boullion began her presentation and noted that Land Development, Sustainability, and Conservation in Tyrone is an integral part of the Town's development style and ordinance. She stated the purpose of the presentation as an annual public involvement activity required by the State, but intended to be community-focused on sharing technical perspectives on stormwater management from staff.

Ms. Boullion continued that Tyrone has much development potential making the conversation relevant and noting that proper environmental management allows Tyrone to retain its 'small-town' feel in a sustainable way. She stated that the goals of the project were as follows: to initiate local dialogue, be proactive, not be reactive, and not be inactive when it comes to environmental and stormwater management.

She posed a few questions related to the role of conservation in sustainable development, how natural resource conservation plays a role in promoting community development goals, and how the use of green infrastructure and low-impact development can help the town achieve its desired development pattern.

Ms. Boullion gave an overview of citizen's public comments from the Comprehensive Plan noting that 99% of residents reported a high-quality of life and a strong desire for 'well-planned' growth that values greenspace. She continued that deliberate, sustainable land development can play a major role in maintaining the Town's unique character and high quality of life as Tyrone is currently less developed than many neighboring metro-Atlanta municipalities. She stated that While open spaces are considered "developed" per the land cover map, many negative impacts to water quality and wildlife habitats are associated with impervious areas, especially directly connected impervious areas or effective impervious areas (EIAs), in our local watersheds.

Ms. Boullion discussed impervious surface impacts stating that Increased impervious area in a watershed, especially increased effective impervious area, can have the following impacts (even if the stormwater runoff is detained in a detention pond): Wildlife habitat degradation, Increased waterway temperatures (lower dissolved oxygen), Increased pollutant runoff to streams, Alterations to natural water cycle and watershed hydrology, Reduced groundwater infiltration and evaporation, Increased volumes of stormwater runoff, and the creation of heat islands.

Ms. Boullion showed a chart of how the use of green infrastructure and low impact development practices help the Town achieve its desired development pattern. Mr. Trocquet noted the influence of zoning, but described the uniqueness of environmental ordinances.

**VI. STAFF COMMENTS**

**VII. COMMISSION COMMENTS**

Vice-Chairman Schow wished to thank his fellow commissioners and stated that he took a job that would prevent him from being able to continue his duties as a planning commissioner. He announced his resignation and expressed his appreciation in working with the rest of the commissioners over the years and his enjoyment in serving the Town in this role.

**VIII. ADJOURNMENT**

Commissioner Duncan made a motion to adjourn. Motion was seconded by commissioner Matheny. Meeting adjourned at 8:04pm.

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David Nebergall, Chairman

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Phillip Trocquet, Asst. Town Manager



# PLANNING COMMISSION STAFF REPORT

**Department:** Community Development

**Meeting Date:** 10/26/2023

**Staff Contact:** Phillip Trocquet

**Agenda Section:** New Business

## Staff Report:

### Item Description:

#### Background/History

Town Council has initiated text amendments to the zoning ordinance to address two overarching items: the Town's Certificate of Appropriateness (CA) and provisions/conditions for hotel uses within the Town.

Council has expressed an interest to make the ordinance for a CA more clear as well as implement conditions for hotels that address the health, safety, and welfare of residents consistent with the Town's character and future planning efforts.

Staff has presented the following 5 Text Amendments to address Council's request.

#### Findings/Current Activity:

The first text amendment to the certificate of appropriateness was aimed at making a more clear list of requirements so that there is less confusion for applicants about what is specifically required. The CA referenced standards in a few different sections of the ordinance. This amendment consolidates the necessary standards into a list.

The remaining four text amendments aim to better define and regulate hotels in the town consistent with our development efforts for such buildings.

- Section 113-2 has been defined to better define hotels as well as extended stay hotels.
- Section 113-128 (Community Commercial) has been amended to reflect some housekeeping changes to C-1 development standards that better match similar standards in our ordinance as well as to move hotels and similar uses from the 'permitted' use section to the 'conditional' use section of the zoning district provisions.
- Section 113-129 (Highway Commercial) has been amended to also reflect housekeeping changes to the development standards as well as to shift hotels and similar uses from the 'permitted' use section to the 'conditional' use section.
- Section 113-190 was amended to establish conditions for hotels and similar uses.

Staff heavily researched zoning standards for hotels where they were listed as conditional uses across many cities in Georgia and based on APA zoning literature.

**Is this a budgeted item? \_\_\_\_\_ If so, include budget line number: \_\_\_\_\_**

**Actions/Options/Recommendations:**

Staff recommends approval of the text amendments regarding the certificate of appropriateness, definitions changes, C-1 changes, and C-2 changes. Staff recommends approval of some or all of the listed conditions for hotels as outlined in Section 113-190.

**Sec. 113-2. Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Accessory use.* A use customarily incidental and subordinate to the principal use or building located on the same lot with such principal use or building.

*Artist.* A person who engages in the creation of products primarily by hand by persons trained in an artistic skill, e.g. ceramics, pottery, blown glass, sculpture, or hand-crafted furniture.

*Adult business.* A commercial establishment where an adult service is provided to patrons in the regular course of business and as one of the substantial business purposes of the establishment.

*Adult day care services.* The provision of an organized program of services, protective in nature, for adults which are offered for less than 24 hours per day including supervision, provision of meals, self-care, social and recreational indoor and outdoor activities, and assistance with medications.

*Adult service.* A dance, performance or other activity, including but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult business by a person who exposes one or more specified anatomical areas or performs a specified sexual activity during all or part of the time that the person is providing the service.

*Amusement park or arcade.* An amusement enterprise offering entertainment to the general public in the form of rides and/or games of skill in the form of game machines, instruments, or an apparatus operated by coin, slug, token or similar medium. The activity may be indoors or outdoors.

*Antenna.* Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

*Auction house/yard.* A structure or enclosure where goods or livestock are sold by auction.

*Automobile.* Every vehicle, excluding motorcycles, designed for carrying ten passengers or less and designed and used for the transportation of persons.

*Automobile impoundment yard/tow service and wrecking facilities.* A parcel of land or a building that is used for the storage of wrecked motor vehicles which are kept for a period of time not exceeding 45 days, and the dismantling or disassembly of damaged or wrecked vehicles.

*Automobile repair.* Buildings and land where repairs, including painting and body repair, are made on automobiles.

*Automobile sales.* Buildings and land used for the retail sale of automobiles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacement parts and services including mechanical and body repair or restoration.

*Automobile service station.* An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, windshield wiper blade replacements, lubrication and minor repairs may also be provided if incidental to such principal use.

*Automotive convenience and gas station.* Structures designed for the sale of motor fuels and groceries. This establishment may include an automatic car wash but cannot engage in the business of automotive repair.

*Basement.* An area below the first floor level in a building and having not more than one-half of its clear floor-to-ceiling height above grade. A basement shall not be counted as a story.

*Bed and Breakfast inn (B&B).* A private owner-occupied residence with one to three guestrooms. The B&B is subordinate and incidental to the main residential use of the building.



*Buffer.* A portion of a lot set aside to provide a visual separation from abutting tracts, uses, or streams through the use of natural vegetation or other means including replanting, or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers are not included in setbacks.

*Buildable area.* That area of a tract or parcel of land excluding all floodplains, wetlands, bodies of water, required buffers, easements, street rights-of-way and/or other encumbrances.

*Building.* Any enclosed structure with a permanent foundation and having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, equipment, good or property of any kind.

*Building height.* The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. See also tower height.

*Building materials establishments.* A business engaged in selling primarily lumber or lumber and a general line of building materials to the public. While these establishments may also sell to contractors, they are known as retail in the trade. General building materials include: doors; windows; electrical supplies; flooring; paint; glass; wallpaper; wall covering; plumbing supplies (retail); and tile.

*Building setback line.* The minimum distance allowed between the street right-of-way line and the principal building or structure on a lot or any projection thereof, except the projections of unenclosed porches, steps, eaves, gutters and similar fixtures as permitted by this section.

*Business vehicle.* Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

*Campground.* An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

*Care home.* A state-licensed convalescent center, assisted living facility, memory care facility, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This shall not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes.

*Child caring institution.* Any institution, society, agency, or facility which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions such as may be provided in rules and regulations of the state board of human resources. For purposes of these rules, a child caring institution means any institution, society, agency or facility that provides care to six or more children.

*Club, lodge or social building.* All associations of civic, social, cultural, religious, fraternal, literary, political, and recreational or like activities operated for the benefit of the members and not open to the general public.

*Commercial motor vehicle.* Any vehicle with a gross vehicular weight greater than 10,000 pounds or with a minimum width of 80 inches and a maximum length of 196 inches. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed commercial motor vehicles.

*Commercial motor vehicle repair.* Buildings and land where repairs, including painting and body repair, are made on commercial motor vehicles.

*Commercial motor vehicles sales.* Buildings and land used for the retail sale of commercial motor vehicle sales, including boats and recreational vehicles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacements parts and services including mechanical and body repair or restoration.

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*Community living arrangement.* Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the department of human resources, division of mental health, developmental disabilities, and addictive diseases. A community living arrangement is also referred to as a "residence".

*Construction vehicle.* Any heavy-duty vehicle designed for executing construction tasks, including but not limited to backhoes, bulldozers, front loaders, excavators, graders, cranes, dump trucks, and similar vehicles.

*County.* Fayette County, Georgia.

*Day care—Child care learning center.* Any center operated by a person, society, agency, corporation, institution, or group that receives pay for group care, children remain less than 24 hours per day and provides care for 19 or more children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

*Day care—Family home.* A private residence operated by any person who receives pay for supervision less than 24 hours per day, without transfer of legal custody, of at least three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents of the same private residence.

*Day care—Group.* A center operated by any person, partnership, association, or corporation that receives pay for group care, operates less than 24 hours per day and provides care for seven to 18 children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

*Day spa.* A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Massage treatments may include body packs and wraps, exfoliation, cellulite and waxing, aromatherapy, cleansing facials, medical facials, and nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instructions may be provided in addition to the massage and therapeutic treatment services. Full-service hair, make-up consultation and application and manicure and pedicure services may be provided as additional services.

*Density.* As used in residential categories of the comprehensive land use plan for the Town of Tyrone, means the number of dwelling units permitted per acre or other specified area of land. For the purpose of this definition street rights-of-way shall not be included in density calculations.

*Drive-in.* A retail or service enterprise where service is provided to the customer on the outside of the principal building.

*Dwelling.* A building or part of a building designed for occupancy by one family for residential purposes as a single housekeeping unit.

*Dwelling, single-family.* A detached dwelling designed for and containing one dwelling unit.

*Dwelling, two-family or duplex.* A dwelling designed for and containing two dwelling units totally separated from each other.

*Dwelling, multi-family.* A dwelling designed for three or more dwelling units totally separated from each other.

*Dwelling, townhouse.* One of a series of three or more attached dwelling units which has ground floor access and is separated from the others by wall partitions extending at least from the lowest floor level to the roof.

*Dwelling unit.* A house or other structure or portion of any building or structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping and sanitation.

*Extended Stay Hotel. A building containing at least 20% of guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for occupancy beyond 15 days, and/or have facilities for the refrigeration and preparation of food by guests, such as a cooktop/stove, oven, or dishwasher.*

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*Exterior storage.* The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair not in an enclosed building.

*FAA.* The Federal Aviation Administration.

*Family.* One or more persons occupying a single dwelling unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

*Farm operations.* Farming operations related to livestock-raising, provided all structures permitted under this category are related to the farming operations.

*Farmers' market.* Seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

*FCC.* The Federal Communications Commission.

*FEMA.* The Federal Emergency Management Agency.

*Floor area, accessory structure.* The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

*Floor area, principal structure.* The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

*Frontage lot.* A lot for which one of the principal boundary lines as described on the deed is coincident with a street right-of-way line.

*Group home.* A facility or dwelling unit housing two or more individuals who are not related to the owner by blood or marriage and operating as a single family-like housekeeping unit, including but not limited to homes for orphans, foster children, the elderly, and battered children and women.

*Hardware store.* Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

*Health club.* A place or building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness.

*Height.* See building height; tower height.

*Home occupation.* An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

*Hospital.* Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

*Hotel. A facility with more than 3 rooms in which lodging, along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service, and fitness center, are provided for transient guests for stays of less*

than 30 days and offered to the public for compensation. The term "hotel" includes the term "motel," "inn," "lodging house," "tourist court," and "extended stay hotel." A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

*Independent living facility.* A facility containing units which is part of a lifecare community and includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the lifecare community.

*Indoor pet boarding.* Any facility where pet animals owned by another person are temporarily boarded indoors for pay, trade, barter, commission or remuneration of any sort; however, this definition shall not apply to animal hospitals and veterinary clinics operated by veterinarians duly licensed under law.

*Indoor sports facility.* An indoor facility accommodating a variety of individual, organized, or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, arcade, and other support facilities.

*Intermediate care home.* A facility which admits residents on a medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies, and it otherwise complies with these rules and regulations.

*Junk or salvage yard.* Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house-wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

*Kennel.* Any location boarding, caring for and keeping more than a total of four dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) or any location boarding, caring for and keeping more than a total of ten chickens. The definition for kennel herein shall not include those facilities that satisfy the definition for indoor pet boarding and which are located on property zoned under the town's community commercial (C-1) or highway commercial (C-2) zoning classifications.

*Landfill.* Disposal sites where solid wastes, other than recyclable wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

*Livestock.* Animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, roosters, ducks, geese, mules, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats, as well as chickens (other than roosters) and normally domesticated small animals such as rabbits, hamsters, and guinea pigs.

*Lot, corner.* A lot located at the intersection of two streets.

*Lot coverage.* The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, other similar uses, and recreation facilities which are accessory to a permitted use.

*Lot of record.* A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the clerk of the superior court of the county; or a parcel of land, consistent with the town's ordinances and regulations at the time of conveyance, conveyed by deed recorded in the office of the clerk of the superior court of the county.

*Lot, parcel.* A tract of land legally transferable as a single unit of land.

*Lot, through.* A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

*Lot width.* The distance from one side lot line to the other side lot line measured at the minimum building setback line.

*Manufactured housing.* Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

*Manufactured home lot.* A parcel of land in a mobile home park for the placement of a single mobile home and for the exclusive use of its occupants.

*Manufactured home park.* A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

*Motel.* See hotel.

*Neighborhood recreation center or swimming pool (residential zoning districts).* A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with the development and are usually located within or adjacent to such development.

*Nonconformance.* A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of the ordinance from which this section derives, or as the result of subsequent amendments.

*Nursing home.* A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care and rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it otherwise complies with these rules and regulations.

*Open space.* That portion of a lot, including yards, established pursuant to the requirements of this section as open space, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage, flower garden or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

*Parks.* A natural or landscaped area, with or without buildings or structures, to meet the active or passive recreational needs of people.

*Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership and management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more individuals who are not related to the owner by blood or marriage.

*Public use.* Administrative and cultural buildings, uses and structures, including lots and facilities owned, used or operated by a governmental agency.

*Recreation vehicle.* A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half feet in width and 45 feet in length.

*Religious institution.* A building used for public worship including temples, synagogues and related Sunday school or church school facilities.

*Setback.* The area as designated by this section in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

*Self-storage facility.* A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

*Sewer system, central sanitary.* Collection of sanitary sewage via a pipe network and its transportation to a common collection point with treatment to required Georgia Department of Natural Resources criteria prior to release.

*Sewer system, community sanitary.* A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than 30 lots via a pipe network with transportation to a common collection point for on-site treatment.

*Small engine sales and repair.* The sale and repair of lawnmowers, motorized lawn equipment, motorized hand-carried tools, motorcycles, and motor scooters.

*Special trade contractor.* A person or establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, flooring, roofing or tile.

*Specified anatomical areas.* Specified anatomical areas shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast before a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* Specified sexual activities shall include any of the following:

- (1) Human genitals in a discernible state of sexual stimulation or arousal;
- (2) Actual or simulated sexual intercourse, masturbation, oral copulation, flagellation, bestiality, fondling, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breasts; or
- (4) Any combination of the foregoing.

*State.* The State of Georgia.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

*Street, private.* Any right-of-way or area set aside to provide vehicular access within a development which is not dedicated or intended to be dedicated to the town, and which is not maintained by the town.

*Street, public.* All streets other than private streets.

*Structure.* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to permanently mounted signs, tennis courts, swimming pools and buildings, but does not include walls or fences.

*Subdivision.* All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this section; and
- (2) The division of land into parcels of five acres or more where no new street is involved.

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*Tower, tower facilities.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures. Facilities shall also include all accessory buildings excluding tower anchors.

*Tower height.* When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also building height.

*Town.* The Town of Tyrone, Georgia.

*Vehicle, abandoned.* A vehicle which is wrecked, dismantled, partially dismantled, discarded, is in an unhealthy condition, does not bear a current license plate with an appropriate decal affixed thereto or is incapable of being moved under its own power, unless said vehicle is stored within a completely enclosed building.

*Yard.* A required open space on a lot that is left unoccupied with structures and facilities, except as permitted herein.

*Yard, front.* The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

*Yard, rear.* The area between the rear property line and the rear building line, extending the full width of the lot.

*Yard, side.* The area between the side property line and the side building line, extending from the front yard to the rear yard.

(Revised June 6, 2013; October 3, 2013; April 2, 2015; Ord. No. 2018-07, § 1, 5-17-2018; Ord. No. 2020-06, § 1, 9-17-2020; Ord. No. 2023-03, § 1(A), 2-16-2023)

**Sec. 113-128. Community commercial district (C-1).**

(a) *Permitted uses:*

- (1) Accounting, auditing and bookkeeping services;
- (2) Advertising agencies;
- (3) Adult day care;
- (4) Amphitheaters;
- (5) Antique stores;
- (6) Apparel and accessory stores (including dressmaker and tailor);
- (7) Appraisers;
- (8) Art galleries;
- (9) Art studios;
- (10) Assembly halls;
- (11) Attorneys;
- (12) Automobile claims adjuster;
- (13) Auditoriums;
- (14) Bail bonding services;
- (15) Bakeries, retail;
- (16) Banquet halls;
- (17) Barbershops and beauty shops;
- (18) Bicycle repair shops;
- (19) Blood donor stations;
- (20) Blueprinting and photocopying services;
- (21) Book and stationery stores;
- (22) Bowling alley;
- (23) Business agents and brokers;
- (24) Business service support establishments;
- (25) Camera and photographic supply stores;
- (26) Care homes;
- (27) Carryout/delivery establishments;
- (28) Catalog mail order stores;
- (29) Caterers;
- (30) Churches and other places of worship;
- (31) Cigar stores and stands;



- (32) Clerical;
- (33) Collection services;
- (34) Commercial photography, art and graphics offices;
- (35) Computer or data processing offices;
- (36) Convention or exhibition halls;
- (37) Counseling and guidance services;
- (38) Credit reporting services;
- (39) Dance schools;
- (40) Delicatessen and gourmet food stores (with incidental catering);
- (41) Dental care services;
- (42) Detective agency and protective services (excluding armored cars and animal rental);
- (43) Dinner theatres;
- (44) Doctors/physicians' offices;
- (45) Drafting services;
- (46) Drugstores;
- (47) Eating establishments, when accessory to a permitted use;
- (48) Electric transformer stations, gas regulator stations and telephone exchanges;
- (49) Employment agencies;
- (50) Engineering, planning and architectural offices;
- (51) Fabric shops;
- (52) Farm and garden supply stores;
- (53) Finance, insurance and real estate institutions;
- (54) Florists;
- (55) Food specialty shops (ice cream, coffee, soda fountain);
- (56) Furniture, home furnishing and appliance stores;
- (57) General building contractors;
- (58) Gift, novelty and souvenir stores (excluding adult novelty);
- (59) Glass sales;
- (60) Grocery stores limited to a floor area not exceeding 5,000 square feet;
- (61) Gyms;
- (62) Hardware sales;
- (63) Historical society/welcome, information centers;
- (64) Hobby, toy and game shops;
- ~~(65) Hotels;~~

- (6665) Household and apparel stores;
- (6766) Indoor sports facilities; and
- (6867) Interior decorator services;
- (6968) Jewelry sales and repair;
- (7069) Key duplicating shops;
- (7172) Kitchen-ware stores;
- (7271) Laundry and dry cleaning pick-up stations;
- (7372) Lawn and garden supply;
- (7473) Libraries;
- (7574) Locksmiths;
- (76) ~~Lodging houses;~~
- (7775) Management, consulting and public relations services;
- (7876) Manicure services (nail care);
- (7977) Meat, seafood and poultry markets (excluding live poultry);
- (8078) Medical photography;
- (8179) Message answering services;
- (8280) Museums;
- (8381) Musical instrument sales and repair;
- (8482) News dealers and newsstands;
- (8583) Notary public;
- (8684) Nursing homes;
- (8785) Occupational physical therapy;
- (8886) Office uses as part of a planned office center;
- (8987) Optician and optometry stores;
- (9088) Parks;
- (9189) Pawn shops;
- (9290) Pet shops;
- (9391) Pharmacies;
- (9492) Photographic studios;
- (9593) Picture framing stores;
- (9694) Playhouses;
- (9795) Political organizations;
- (9896) Produce markets;
- (9997) Publishing only: newspaper, periodicals and books;

- ~~(10098)~~ Radio, television and stereo sales and service;
- ~~(10199)~~ Repair, as an accessory use;
- ~~(102100)~~ Retail automotive parts and tire stores;
- ~~(103101)~~ Restaurants, general and convenience;
- ~~(104102)~~ Seasonal outdoor retail (activity for the sale of flowers, garden supplies, produce);
- ~~(105103)~~ Shoe repair and sales;
- ~~(106104)~~ Skating rinks;
- ~~(107105)~~ Special trade contractors;
- ~~(108106)~~ Specialized non-degree schools;
- ~~(109107)~~ Specialized merchandise stores;
- ~~(110108)~~ Sporting goods;
- ~~(111109)~~ Swimming pools (prefabricated), hot tubs and spa sales;
- ~~(112110)~~ Talent and theatrical booking agents;
- ~~(113111)~~ Telephone business offices;
- ~~(114112)~~ Telecommuting centers;
- ~~(115113)~~ Travel agencies;
- ~~(116114)~~ Used goods stores;
- ~~(117115)~~ Video sales and rentals (excluding adult entertainment); and
- ~~(118116)~~ Visiting nurse associations.

(b) *Conditional uses (see article VII):*

- (1) Animal hospitals and veterinary clinics;
- (2) Arcades;
- (3) ATMs;
- (4) Automobile brokers;
- (5) Automobile repair;
- (6) Bed and breakfasts;
- (7) Cemeteries;
- (8) Day nurseries and kindergartens;
- (9) Dog grooming shops.
- (10) Electrical supply stores;
- (11) Electric transformer stations, gas regulator stations and telephone exchanges;
- (12) Hotels (to include motels, lodging houses, inns, and extended stay hotel)
- ~~(1213)~~ Independent living facilities;
- ~~(1314)~~ Indoor pet boarding;

- (~~1415~~) Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- (~~1516~~) Neighborhood recreation center or swimming pools;
- (~~1617~~) Paint, glass and wallpaper stores;
- (~~1718~~) Private or parochial schools;
- (~~1819~~) Public utility facilities; and
- (~~1920~~) Small engine sales and repair.

(c) *Development standards:*

- (1) Minimum lot area—One acre;
- (2) Minimum lot width—100 feet;
- (3) Yard setbacks:
  - a. From a major thoroughfare—80 feet;
  - b. From a collector—70 feet;
  - c. From a residential street—55 feet;
  - d. Rear yard setbacks—30 feet;
  - e. Side yard setbacks—20 feet;
- (4) Maximum height of structures—40 feet, with structures not to exceed three overall stories;
- (5) Where a lot adjoins a single-family residential, MHP, or the AR zoning district—75-foot buffer (June 21, 2001); and
- (6) Maximum building size—Footprint of 30,000 square feet.

(Revised March 1, 2012; August 1, 2013; October 2, 2014; Ord. No. 2017-02, §§ 1—4, 5-4-2017; Ord. No. 2017-08, § 1, 11-2-2017; Ord. No. 2018-07, § 2, 5-17-2018; Ord. No. 2019-08, § 1, 11-21-2019; Ord. No. 2020-05, § 1, 9-17-2020; Ord. No. 2020-05A, § 1, 9-17-2020; Ord. No. 2020-07, § 1, 9-17-2020; Ord. No. 2023-03, § 1(C), 2-16-2023)

**Sec. 113-129. Highway commercial district (C-2).**

(a) *Permitted uses:*

- (1) All those permitted uses in the C-1 zoning district;
- (2) Aquariums, planetariums, botanical gardens
- (3) Assembly halls;
- (4) Automobile air conditioning equipment, sales and installation;
- (5) Automobile broker;
- (6) Automobile claims adjuster;
- (7) Automobile convenience and gas services;
- (8) Automobile upholstery shops;
- (9) Reserved;

- (10) Bail bonding services;
- (11) Billiard and pool halls;
- (12) Blood banks;
- (13) Body art studios (June 6, 2013);
- (14) Building materials dealers (garage doors, fencing, roofing, storm windows, kitchen, cabinets, wallboard, insulation);
- (15) Building materials establishments;
- (16) Carpet and vinyl flooring stores;
- (17) Catalog, mail order stores;
- (18) Churches and other places of worship;
- (19) Comedy clubs;
- (20) Consumer electronic repair services;
- (21) Drive-in restaurants;
- (22) Dwelling as an accessory structure to be used for security purposes;
- (23) Fast food restaurants;
- (24) Flea markets;
- (25) Flooring stores;
- (26) Funeral homes and funeral chapels, mortuaries, crematoriums;
- (27) Furniture upholstery shops;
- (28) Landscaping services;
- (29) Heating, air conditioning, ventilation supply stores;
- (30) Home appliance repair and related services;
- (31) Home health care services;
- (32) Hookah lounges (June 6, 2013);
- (33) Household and apparel sales and rental;
- (34) HVAC/plumbing/electrical contractors;
- (35) Indoor sports and recreation facilities;
- (36) Medical supply businesses;
- ~~(37) Motels;~~
- (38) Musical instrument sales and repair, musical supply sales including records, tapes and compact discs;
- (39) Natural materials dealers (lime, plaster, sand, gravel, lumber);
- (40) Nursing homes;
- (41) Packaging services;
- (42) Parcel and express services;

- (43) Playhouses;
- (44) Plumbing supply stores;
- (45) Radio and television broadcasting stations (excluding transmission towers);
- (46) Recording and developing studios;
- (47) Service agencies;
- (48) Sign stores—Painting and lettering;
- (49) Swimming pool supplies, cleaning and maintenance services;

~~(50) Taverns, bars, lounges;~~

- (51) Training/rehabilitation services;
- (52) Upholstery, furniture services; and
- (53) Water-softening services.

(b) *Conditional uses (see article VII):*

- (1) Animal hospitals and veterinary clinics;
- (2) Armored car services;
- (3) ATMs;
- (4) Automobile repair;
- (5) Automobile sales;
- (6) Automobile service stations;
- (7) Automotive parking establishments;
- (8) Bed and breakfasts;
- (9) Car wash services;
- (10) Commercial motor vehicle repair;
- (11) Commercial motor vehicle sales;
- (12) Farmers' markets;
- (13) General building contractors;
- (14) Golf cart sales and service;
- (15) Golf or baseball driving ranges;
- (16) Gun shops;
- (17) Health clubs and day spas;

(18) Hotels (to include motels, lodging houses, inns, and extended stay hotels)

- ~~(1819)~~ Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- ~~(1920)~~ Marine sales and parts;
- ~~(2021)~~ Miniature golf courses;

- (~~2122~~) Nursing homes (June 6, 2013);
- (~~2223~~) Outdoor sports facilities and swimming pools;
- (~~2324~~) Paint, glass and wallpaper stores;
- (~~2425~~) Par 3 golf courses;
- (~~2526~~) Plant nurseries;
- (~~2627~~) Private or parochial schools;
- (~~2728~~) Public utility facilities;
- (~~2829~~) Retail automobile parts and tire stores;
- (~~2930~~) Small engine sales and repair; and
- (~~3031~~) Tennis courts, clubs and facilities.

(c) *Development standards:*

- (1) Minimum lot area—One acre (May 20,1999);
- (2) Minimum lot width—100 feet (May 20,1999);
- (3) Yard setbacks:
  - a. From a public street—50 feet (May 20,1999);
  - b. Rear yard setbacks—30 feet;
  - c. Side yard setbacks—20 feet;
- (4) Maximum height of structures—~~35-40~~ feet (~~May 20, 1999~~);
- (5) Where a lot adjoins a single-family residential district, a MHP district, or an AR district—75-foot buffer (June 21, 2001);
- (6) Maximum building size—Footprint 30,000 square feet.

(Revised March 1, 2012; June 6, 2013; Ord. No. 2017-03, §§ 1—4, 5-4-2017; Ord. No. 2018-07, § 3, 5-17-2018; Ord. No. 2019-09, § 1, 11-21-2019; Ord. No. 2020-08, § 1, 9-17-2020)

**Sec. 113-128. Community commercial district (C-1).**

(a) *Permitted uses:*

- (1) Accounting, auditing and bookkeeping services;
- (2) Advertising agencies;
- (3) Adult day care;
- (4) Amphitheaters;
- (5) Antique stores;
- (6) Apparel and accessory stores (including dressmaker and tailor);
- (7) Appraisers;
- (8) Art galleries;
- (9) Art studios;
- (10) Assembly halls;
- (11) Attorneys;
- (12) Automobile claims adjuster;
- (13) Auditoriums;
- (14) Bail bonding services;
- (15) Bakeries, retail;
- (16) Banquet halls;
- (17) Barbershops and beauty shops;
- (18) Bicycle repair shops;
- (19) Blood donor stations;
- (20) Blueprinting and photocopying services;
- (21) Book and stationery stores;
- (22) Bowling alley;
- (23) Business agents and brokers;
- (24) Business service support establishments;
- (25) Camera and photographic supply stores;
- (26) Care homes;
- (27) Carryout/delivery establishments;
- (28) Catalog mail order stores;
- (29) Caterers;
- (30) Churches and other places of worship;
- (31) Cigar stores and stands;



- (32) Clerical;
- (33) Collection services;
- (34) Commercial photography, art and graphics offices;
- (35) Computer or data processing offices;
- (36) Convention or exhibition halls;
- (37) Counseling and guidance services;
- (38) Credit reporting services;
- (39) Dance schools;
- (40) Delicatessen and gourmet food stores (with incidental catering);
- (41) Dental care services;
- (42) Detective agency and protective services (excluding armored cars and animal rental);
- (43) Dinner theatres;
- (44) Doctors/physicians' offices;
- (45) Drafting services;
- (46) Drugstores;
- (47) Eating establishments, when accessory to a permitted use;
- (48) Electric transformer stations, gas regulator stations and telephone exchanges;
- (49) Employment agencies;
- (50) Engineering, planning and architectural offices;
- (51) Fabric shops;
- (52) Farm and garden supply stores;
- (53) Finance, insurance and real estate institutions;
- (54) Florists;
- (55) Food specialty shops (ice cream, coffee, soda fountain);
- (56) Furniture, home furnishing and appliance stores;
- (57) General building contractors;
- (58) Gift, novelty and souvenir stores (excluding adult novelty);
- (59) Glass sales;
- (60) Grocery stores limited to a floor area not exceeding 5,000 square feet;
- (61) Gyms;
- (62) Hardware sales;
- (63) Historical society/welcome, information centers;
- (64) Hobby, toy and game shops;
- ~~(65) Hotels;~~

- (6665) Household and apparel stores;
- (6766) Indoor sports facilities; and
- (6867) Interior decorator services;
- (6968) Jewelry sales and repair;
- (7069) Key duplicating shops;
- (7172) Kitchen-ware stores;
- (7271) Laundry and dry cleaning pick-up stations;
- (7372) Lawn and garden supply;
- (7473) Libraries;
- (7574) Locksmiths;
- (76) ~~Lodging houses;~~
- (7775) Management, consulting and public relations services;
- (7876) Manicure services (nail care);
- (7977) Meat, seafood and poultry markets (excluding live poultry);
- (8078) Medical photography;
- (8179) Message answering services;
- (8280) Museums;
- (8381) Musical instrument sales and repair;
- (8482) News dealers and newsstands;
- (8583) Notary public;
- (8684) Nursing homes;
- (8785) Occupational physical therapy;
- (8886) Office uses as part of a planned office center;
- (8987) Optician and optometry stores;
- (9088) Parks;
- (9189) Pawn shops;
- (9290) Pet shops;
- (9391) Pharmacies;
- (9492) Photographic studios;
- (9593) Picture framing stores;
- (9694) Playhouses;
- (9795) Political organizations;
- (9896) Produce markets;
- (9997) Publishing only: newspaper, periodicals and books;

- ~~(10098)~~ Radio, television and stereo sales and service;
- ~~(10199)~~ Repair, as an accessory use;
- ~~(102100)~~ Retail automotive parts and tire stores;
- ~~(103101)~~ Restaurants, general and convenience;
- ~~(104102)~~ Seasonal outdoor retail (activity for the sale of flowers, garden supplies, produce);
- ~~(105103)~~ Shoe repair and sales;
- ~~(106104)~~ Skating rinks;
- ~~(107105)~~ Special trade contractors;
- ~~(108106)~~ Specialized non-degree schools;
- ~~(109107)~~ Specialized merchandise stores;
- ~~(110108)~~ Sporting goods;
- ~~(111109)~~ Swimming pools (prefabricated), hot tubs and spa sales;
- ~~(112110)~~ Talent and theatrical booking agents;
- ~~(113111)~~ Telephone business offices;
- ~~(114112)~~ Telecommuting centers;
- ~~(115113)~~ Travel agencies;
- ~~(116114)~~ Used goods stores;
- ~~(117115)~~ Video sales and rentals (excluding adult entertainment); and
- ~~(118116)~~ Visiting nurse associations.

(b) *Conditional uses (see article VII):*

- (1) Animal hospitals and veterinary clinics;
- (2) Arcades;
- (3) ATMs;
- (4) Automobile brokers;
- (5) Automobile repair;
- (6) Bed and breakfasts;
- (7) Cemeteries;
- (8) Day nurseries and kindergartens;
- (9) Dog grooming shops.
- (10) Electrical supply stores;
- (11) Electric transformer stations, gas regulator stations and telephone exchanges;
- (12) Hotels (to include motels, lodging houses, inns, and extended stay hotel)
- ~~(1213)~~ Independent living facilities;
- ~~(1314)~~ Indoor pet boarding;

- (~~1415~~) Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- (~~1516~~) Neighborhood recreation center or swimming pools;
- (~~1617~~) Paint, glass and wallpaper stores;
- (~~1718~~) Private or parochial schools;
- (~~1819~~) Public utility facilities; and
- (~~1920~~) Small engine sales and repair.

(c) *Development standards:*

- (1) Minimum lot area—One acre;
- (2) Minimum lot width—100 feet;
- (3) Yard setbacks:
  - a. From a major thoroughfare—80 feet;
  - b. From a collector—70 feet;
  - c. From a residential street—55 feet;
  - d. Rear yard setbacks—30 feet;
  - e. Side yard setbacks—20 feet;
- (4) Maximum height of structures—40 feet, with structures not to exceed three overall stories;
- (5) Where a lot adjoins a single-family residential, MHP, or the AR zoning district—75-foot buffer (June 21, 2001); and
- (6) Maximum building size—Footprint of 30,000 square feet.

(Revised March 1, 2012; August 1, 2013; October 2, 2014; Ord. No. 2017-02, §§ 1—4, 5-4-2017; Ord. No. 2017-08, § 1, 11-2-2017; Ord. No. 2018-07, § 2, 5-17-2018; Ord. No. 2019-08, § 1, 11-21-2019; Ord. No. 2020-05, § 1, 9-17-2020; Ord. No. 2020-05A, § 1, 9-17-2020; Ord. No. 2020-07, § 1, 9-17-2020; Ord. No. 2023-03, § 1(C), 2-16-2023)

**Sec. 113-129. Highway commercial district (C-2).**

(a) *Permitted uses:*

- (1) All those permitted uses in the C-1 zoning district;
- (2) Aquariums, planetariums, botanical gardens
- (3) Assembly halls;
- (4) Automobile air conditioning equipment, sales and installation;
- (5) Automobile broker;
- (6) Automobile claims adjuster;
- (7) Automobile convenience and gas services;
- (8) Automobile upholstery shops;
- (9) Reserved;

- (10) Bail bonding services;
- (11) Billiard and pool halls;
- (12) Blood banks;
- (13) Body art studios (June 6, 2013);
- (14) Building materials dealers (garage doors, fencing, roofing, storm windows, kitchen, cabinets, wallboard, insulation);
- (15) Building materials establishments;
- (16) Carpet and vinyl flooring stores;
- (17) Catalog, mail order stores;
- (18) Churches and other places of worship;
- (19) Comedy clubs;
- (20) Consumer electronic repair services;
- (21) Drive-in restaurants;
- (22) Dwelling as an accessory structure to be used for security purposes;
- (23) Fast food restaurants;
- (24) Flea markets;
- (25) Flooring stores;
- (26) Funeral homes and funeral chapels, mortuaries, crematoriums;
- (27) Furniture upholstery shops;
- (28) Landscaping services;
- (29) Heating, air conditioning, ventilation supply stores;
- (30) Home appliance repair and related services;
- (31) Home health care services;
- (32) Hookah lounges (June 6, 2013);
- (33) Household and apparel sales and rental;
- (34) HVAC/plumbing/electrical contractors;
- (35) Indoor sports and recreation facilities;
- (36) Medical supply businesses;
- ~~(37) Motels;~~
- (38) Musical instrument sales and repair, musical supply sales including records, tapes and compact discs;
- (39) Natural materials dealers (lime, plaster, sand, gravel, lumber);
- (40) Nursing homes;
- (41) Packaging services;
- (42) Parcel and express services;

- (43) Playhouses;
- (44) Plumbing supply stores;
- (45) Radio and television broadcasting stations (excluding transmission towers);
- (46) Recording and developing studios;
- (47) Service agencies;
- (48) Sign stores—Painting and lettering;
- (49) Swimming pool supplies, cleaning and maintenance services;

~~(50) Taverns, bars, lounges;~~

- (51) Training/rehabilitation services;
- (52) Upholstery, furniture services; and
- (53) Water-softening services.

(b) *Conditional uses (see article VII):*

- (1) Animal hospitals and veterinary clinics;
- (2) Armored car services;
- (3) ATMs;
- (4) Automobile repair;
- (5) Automobile sales;
- (6) Automobile service stations;
- (7) Automotive parking establishments;
- (8) Bed and breakfasts;
- (9) Car wash services;
- (10) Commercial motor vehicle repair;
- (11) Commercial motor vehicle sales;
- (12) Farmers' markets;
- (13) General building contractors;
- (14) Golf cart sales and service;
- (15) Golf or baseball driving ranges;
- (16) Gun shops;
- (17) Health clubs and day spas;

(18) Hotels (to include motels, lodging houses, inns, and extended stay hotels)

- ~~(1819)~~ Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
- ~~(1920)~~ Marine sales and parts;
- ~~(2021)~~ Miniature golf courses;

- (~~2122~~) Nursing homes (June 6, 2013);
- (~~2223~~) Outdoor sports facilities and swimming pools;
- (~~2324~~) Paint, glass and wallpaper stores;
- (~~2425~~) Par 3 golf courses;
- (~~2526~~) Plant nurseries;
- (~~2627~~) Private or parochial schools;
- (~~2728~~) Public utility facilities;
- (~~2829~~) Retail automobile parts and tire stores;
- (~~2930~~) Small engine sales and repair; and
- (~~3031~~) Tennis courts, clubs and facilities.

(c) *Development standards:*

- (1) Minimum lot area—One acre (May 20,1999);
- (2) Minimum lot width—100 feet (May 20,1999);
- (3) Yard setbacks:
  - a. From a public street—50 feet (May 20,1999);
  - b. Rear yard setbacks—30 feet;
  - c. Side yard setbacks—20 feet;
- (4) Maximum height of structures—~~35-40~~ feet (~~May 20, 1999~~);
- (5) Where a lot adjoins a single-family residential district, a MHP district, or an AR district—75-foot buffer (June 21, 2001);
- (6) Maximum building size—Footprint 30,000 square feet.

(Revised March 1, 2012; June 6, 2013; Ord. No. 2017-03, §§ 1—4, 5-4-2017; Ord. No. 2018-07, § 3, 5-17-2018; Ord. No. 2019-09, § 1, 11-21-2019; Ord. No. 2020-08 , § 1, 9-17-2020)

**Sec. 113-190. Conditional use approval.**

Conditional uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under this section are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate town/county officials.

- (a) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan must be submitted to the zoning administrator and approved by the appropriate town/county officials. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings; home occupations; single-family residences; and temporary meeting and/or events which are conducted no longer than 14 days per year.
- (b) *Conditional uses allowed.* The following list comprises the conditional uses allowed pursuant to this section and the zoning districts within which such uses may be found.
  - (1) Accessory antenna structures (see also accessory uses). Accessory antenna structures for amateur radio service shall be located a distance of at least one-third the height of the tower from all property lines.
  - (2) Accessory retail sales and service (O-I)
    - . Retail sales and service accessory to the operation of an office building or institutional use, conducted wholly within the building housing the use to which these activities are accessory, provided that the floor space used or to be used for these secondary uses shall be limited to a total of ten percent of the net floor area in an office building or institutional use, provided that:
      - a. Every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure;
      - b. No merchandise shall be stored or displayed outside of the primary use structure; and
      - c. Restaurants and cafeterias as an accessory use may be located in a structure other than the primary use structure.
    - (3) Accessory uses and structures incidental to permitted uses. The following provisions apply to accessory uses and structures that are incidental to permitted uses:
      - a. An accessory structure shall be located on the same lot as the principal building to which it is accessory;
      - b. No accessory structure shall be constructed upon a lot until construction of the principal building has commenced;
      - c. An accessory structure shall not be permitted in a front yard in a residential zoning district;
      - d. No accessory structure in a non-residential zoning district shall be used by other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this section;
      - e. A residential accessory structure shall not be rented or occupied for gain; and
      - f. The maximum size of accessory buildings in residential zoning districts shall be according to the size of the lot as follows:

Lot Size	Building Size
0 to 0.999 acres	900 sq. ft.
1 to 1.999 acres	1,200 sq. ft.



2 to 4.999 acres	1,500 sq. ft.
5 to 7.999 acres	1,700 sq. ft.
8 to 9.999 acres	2,000 sq. ft.
10 or more acres	No size limit

(May 11, 2008)

- (4) Animal hospitals and veterinary clinics (O-1, C-1, C-2, M-1): All structures used as an animal hospital or veterinary clinic shall be located and the activities conducted at least 100 feet from any property zoned or used for residential purposes. The use shall comply with the following:
  - a. Adequate soundproofing and odor-proofing shall be provided so the use does not create a nuisance;
  - b. No boarding shall be allowed unless required in connection with medical treatment; and
  - c. No outside runs or kennels shall be allowed.
- (5) Arcade (C-1): Hours of operation shall be within 8:00 a.m. and 9:00 p.m.
- (6) Armored car service (C-2):
  - a. No outdoor storage; and
  - b. Additional parking space requirements.
- (7) Auction yards or establishments (M-1):
  - a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
  - b. Must be screened from view of the road and adjoining property with an opaque fence at least seven feet in height;
  - c. Maximum lot size—Ten acres;
  - d. A minimum 100-foot buffer shall be provided along every property line including a public right-of-way so that junk is not visible from a public street or adjoining properties;
  - e. All structures and storage areas shall be set back at least 200 feet from a public street and adjoining properties in the residential zoning district or the A-R zoning district; and
  - f. Must follow all current state and federal regulations.
- (8) Automatic teller machines (ATMs) (see also accessory uses) (all non-residential zoning districts): The ATM must be attached to an existing building.
- (9) Automobile brokers (C-1, O-1): No stock in trade may be kept on premises unless confined to interior storage.
- (10) Automobile repair. (C-1, C-2):
  - a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted.
  - c. All activities shall be carried on entirely within an enclosed building.

- d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
  - f. In C-1 Districts, no automobile repair business shall be established along the street frontage. All such businesses shall be located behind an existing non-automotive business.
- (11) Automobile service stations (C-2):
- a. Service areas, facilities, and pump islands shall not be located any closer than 75 feet from a residential zoning district or the A-R zoning district;
  - b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
    - 1. Major thoroughfare:
      - (i) Arterial—35 feet;
      - (ii) Collector—30 feet;
    - 2. Minor thoroughfare—25 feet;
  - c. Canopies shall extend no closer than 15 feet from any street right-of-way;
  - d. Underground storage tanks shall be set back no closer than 20 feet from all property lines; and
  - e. No automotive repairs.
- (12) Automotive parking establishments (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (13) Automotive rentals (M-1). Rental units must be screened in accordance with the land development ordinance screening requirements.
- (14) Baseball batting cages (C-2, M-1):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen adjacent property;
  - b. Loudspeakers shall be prohibited; and
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (15) Bed and breakfast (AR, C-1, C-2). Individual guests are prohibited from staying at a particular bed and breakfast for more than 14 consecutive days or more than 45 days in a calendar year with breakfast served at no additional cost.
- (16) Boatyard, truck repair, boat repair, motorcycle repair, automotive parking establishment, golf cart sales and service, automobile impoundment yard, automobile impoundment area (C-2, M-1). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (17) Campground facilities (AR):
- a. Campsites shall be utilized by recreational vehicles and tents (normally associated with outdoor camping), but not by manufactured housing;

- b. The campground shall be utilized for short-term occupancy of 15 days or less; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling;
  - c. Said uses shall be permitted only on a lot which possesses at least 60 feet of frontage on a major thoroughfare;
  - d. Minimum lot area—Ten acres;
  - e. Maximum density—Four campsites per gross acre;
  - f. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (pursuant to the sign ordinance);
  - g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
    - 1. Front yard—75 feet;
    - 2. Side yard—25 feet;
    - 3. Rear yard—25 feet;
  - h. At least ten percent of the gross acreage shall be reserved for recreational areas;
  - i. Accessory uses shall be allowed provided that the following requirements are met:
    - 1. Such uses and structures shall be restricted to the use of occupants of the park and their guests;
    - 2. All structures and use areas shall meet the minimum buffer and setback requirements;
    - 3. Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars;
    - 4. Total floor area for all accessory structures listed above shall not exceed 3,000 square feet;
  - j. The sale of alcoholic beverages and/or automotive gasoline shall be prohibited; and
  - k. The site plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health Department.
- (18) Car wash service (C-2). Any impervious surface shall be located on the same lot for the storage of vehicles awaiting service equal to one-third of the practical hourly capacity of the wash machines.
- (19) Cemeteries (C-1, O-1):
- a. Minimum lot area—Ten acres for a human cemetery and five acres for a pet cemetery;
  - b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum; not in conjunction with a cemetery as a conditional use with a church;
  - c. Grave sites shall be set back at least 50 feet from all property lines;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines adjoining an AR zoning district or a residential zoning district;

- e. A landscaped buffer ten feet in width and no less than six feet in height shall be installed along all side and rear lot lines; and
  - f. Road frontage shall have a fence of stone stucco, wrought iron or similar materials or combination thereof.
- (20) Cemetery as an accessory structure to a church:
- a. All such facilities shall front on a major collector for a distance for at least 100 feet;
  - b. Minimum lot size—One acre;
  - c. Maximum lot size—Three acres;
  - d. All buildings shall be set back at least 50 feet from the front property line (35 feet if a corner lot), 40 feet from the rear property line, and 20 feet from side property lines; and
  - e. A densely-planted buffer, no less than six feet in height, having a minimum width of ten feet shall be installed along all side and rear property lines which abut a residential zoning district.
- (21) Child caring institution (AR, RMF, O-I, E-I).
- a. Such facility shall obtain all necessary local and state licenses;
  - b. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of child caring institutions, whichever is greater; and
  - c. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (22) Commercial motor vehicle repairs. (M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted unless screened entirely from adjacent properties and all rights-of-way by a solid opaque fence a minimum of six feet in height.
  - c. All repair activities shall be carried on entirely within an enclosed building.
  - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (23) Commercial motor vehicle sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.
  - b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - c. Loudspeakers are prohibited.
  - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

- e. Outside storage of other than stock-in-trade is prohibited.
  - f. Stock-in-trade must be stored on an impervious surface.
  - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.
  - h. All activities except for sales shall be conducted entirely indoors.
  - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (24) Community living arrangement (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (25) Construction equipment, truck rentals (C-2). Outdoor display must be screened in accordance with the land development ordinance screening requirements. All outdoor storage of equipment and trucks must be on an impervious surface.
- (26) Day care services; home occupation (all residential zoning districts). Home occupation day care services may be established and operated in the town in accordance with the guidelines and procedures set forth below:
- a. Guidelines:
    - 1. A home occupation day care service means a private residence operated by any person who receives pay for the supervision and care for fewer than 24 hours per day, without transfer of legal custody, not more than six children simultaneously, who are under 18 years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence;
    - 2. Not more than 25 percent of a residence may be used for a home occupation day care service and an outdoor play area may be provided;
    - 3. No home occupation day care service may be established and operated in the town until a permit to do so has been obtained in accordance with the procedures set forth below;
    - 4. Must comply with all current state regulations for day care services;
  - b. Procedures:

1. *Permit application.* Persons seeking to operate a home occupation day care service in the town must file a permit application with the town clerk. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed home occupation day care service will meet and be operated in accordance with all applicable state laws and regulations with all ordinances and regulations of the town;
2. *Decision on application.* Within 30 days of the date the permit application is filed with the town clerk, the town council shall either approve or disapprove the application for a permit to be issued. An application shall be approved only upon a determination by the town council that the home occupation day care service proposed by the applicant will be operated in compliance with all state regulations, this section and the fire and safety codes of the county; will not constitute too great a concentration of such home occupations as to adversely impact a neighborhood; and that all other requirements of this section have been met; and
3. *Issuance of permits.* Each permit shall become effective on the date it is issued by the town.

(27) Day nurseries and kindergartens (O-I, E-I, C-1):

- a. There shall be not less than 30 square feet of indoor play area for each child at maximum licensed enrollment, and not less than 100 square feet per child of outdoor play area at maximum licensed enrollment;
- b. The outdoor play area shall be enclosed by a fence not less than six feet in height in a location other than the front yard;
- c. A circular drive shall be provided for off-street loading and unloading; and
- d. Must comply with all current state regulations for day care services.

(28) Dog grooming shops (C-1).

- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
- b. Animals shall be supervised at all times while off-leash in outdoor areas.
- c. No breeding of animals shall occur at the facility.
- d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
- e. The facility shall be located at least 100 feet from any property residentially zoned or used for residential purposes.
- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

(29) Dry cleaning plants (M-2):

- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems, shall be prohibited;

- a. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
  - c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
  - d. Fuel for operation of the equipment shall be smokeless fuel; and
  - e. Central water and central sanitary sewage for systems are required.
- (30) Electric transformer stations, gas regulator stations and telephone exchanges (all zoning districts). The following provisions apply to electric transformer stations, gas regulator stations and telephone exchanges:
- a. These uses shall be essential for service to the area in which they are located;
  - b. Any building or structure, except a fence, shall be set back not less than 20 feet from any property line and shall meet all applicable yard requirements;
  - c. These uses shall be enclosed by a fence not less than eight feet in height;
  - d. The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner; and
  - e. The storage of vehicles and equipment on the premises shall be prohibited.
- (31) Electrical supply stores (C-1, M-1):
- a. Except in the M-1 zoning district there shall be no outdoor storage of materials, supplies or equipment except within a completely fenced area, which is adequately buffered to provide visual screening from the adjoining properties; and
  - b. In the M-1 zoning district, outdoor storage shall be at least 50 feet from the street right-of-way line.
- (32) Farmers' markets (C-2):
- a. Weekend business license only;
  - b. Written permission of the property owner shall be obtained prior to licensing and permitting of the operation; and
  - c. Hours of operation limited from 8:00 a.m. to sundown.
- (33) Farming structures (AR). All farming-related structures shall be located at least 100 feet from property lines, and must comply with the conditions set out for accessory structures.
- (34) General building contractors (O-I, C-1, C-2, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (35) Golf cart sales and service (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (36) Golf driving ranges (C-2, M-1):
- a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any AR or residential zoning district;

- b. All structures, greens, fairways, and parking areas shall be set back at least 50 feet from any non-residential zoning district;
  - c. Said facilities shall be for daytime use only except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence provided that lighting is oriented away from adjacent property; and
  - d. No outside loudspeaker system shall be utilized.
- (37) Golf courses and clubhouses (A-R, M-1, C-2):
- a. The golf course shall be a minimum of nine holes;
  - b. Any building or structure established in connection with this use shall be set back not less than 100 feet from any property line, except where the property line is a street line. The front yard setback established for the zoning district shall apply. When a property line is on a natural waterway, a property line setback shall be in accordance with the Soil Erosion and Sediment Control Act and this section, whichever is greater; and
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and or roadways.
- (38) Group home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of group homes, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (39) Gun shops (C-2):
- a. Must have 12 inch bollards 42 inches high four feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;
  - b. Must have a steel roll down gate in front of the entrance to prevent unauthorized entry;
  - c. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;
  - d. Must have an alarm system on the building to notify of unauthorized entry;
  - e. Must have a camera security system to monitor building at all times for unauthorized activity;
  - f. Must have concrete poured walls in any area involving discharge of fire arms;
  - g. Must have a certified range safety officer on duty at all times;



- h. Must meet all applicable standards established for lead management and Occupational Safety and Health Administration (OSHA) compliance for indoor shooting ranges, as published by the National Association of Shooting Ranges and OSHA;
  - i. Must install an intercom system within the facility; and
  - j. Must install a seven-inch wide, four-foot tall concrete block wall along the property line shared with any other business for a distance of at least 65 feet.
  - k. Gun shops may also have a firing range as an accessory use.
- (40) Health clubs or day spas (O-I, C-1, C-2). Private treatment rooms are required for each client receiving a personal service, and the use must comply with all state requirements.
- (41) Home occupations (All residential zoning districts):
- a. No use shall create noise, dust, vibration, smell, smoke, glare or electrical interference that would be detectable beyond the dwelling unit or accessory building;
  - b. The use shall be conducted entirely within the dwelling unit or accessory building and only persons living in the dwelling unit shall be employed at the location of the home occupation;
  - c. No more than 30 percent of the dwelling unit may be used for the conduct of the home occupation;
  - d. No materials, equipment shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence. In addition, there shall be no storage of mechanical earthmoving equipment at the location of the home occupation unless the property area exceeds five acres; and
  - e. No home occupation shall be operated so as to create or cause a nuisance.
- (42) Hospital (C-2, M-1, M-2, O-I):
- a. Minimum lot size—Ten acres;
  - b. Such use shall be permitted only on a lot which fronts on an arterial thoroughfare;
  - c. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or AR zoning district;
  - d. Minimum setbacks:
    - 1. Front yard—100 feet;
    - 2. Side yard—50 feet;
    - 3. Rear yard—50 feet; and
  - e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure.

(43) Hotels (Including motels, lodging houses, inns, tourist courts, and extended stay hotel)

- a. Minimum lot size – 3 acres;
- b. A minimum 100' buffer shall separate the development from residential or AR zoning districts;
- c. Exterior lighting shall be designed to be completely downward facing and shielded to prevent light spillage onto neighboring residential or mixed-use properties;

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d. Service entrances, loading docks, and garbage collection areas shall not be located adjacent to residential property lines and shall be screened with landscaping or architectural features;

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e. Windows, balconies, and rooftop amenities such as pools or lounges, facing any residential district shall be designed to be screened from direct line of sight into neighboring residential properties. A line-of-sight study may be required;

f. Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet;

g. All guest rooms shall be accessed through an interior hallway and shall not have direct access to the exterior of the building unless required by fire safety regulations.

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h. Outside storage or long-term parking over 24hours of heavy equipment, construction or related equipment shall be prohibited;

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i. No business shall be allowed to operate from a guest room within a hotel;

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k. If within 300' of residentially zoned properties, hotels shall implement noise-control measures, such as soundproofing assembly areas and soundproofing or restrictions on outdoor assembly activities during the hours of 9:00pm – 8:00am;

l. No guest rooms shall be utilized for occupancy beyond 30 days; and

m. Guest rooms shall not include facilities for the preparation of food such as a cooktop stove, or oven. This excludes the use of mini-fridges and microwaves.

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(43) Independent living facilities (C-1). Must be part of a care home facility campus.

(44) Indoor pet boarding (C-1):

- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
- b. Animals shall be supervised at all times while off-leash in outdoor areas.
- c. No breeding of animals shall occur at the facility.
- d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
- e. The facility shall be located at least 100 feet from any property zoned or used for residential purposes.
- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

(45) Junkyard (M-2):

- a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
- b. Must be screened from view of road and adjoining property with an opaque fence at least seven feet in height;
- c. Maximum lot size—Ten acres;

- d. A minimum 100-foot buffer shall be provided along every property line including public right-of-way so that junk is not visible from a public street or adjoining properties;
  - e. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or AR zoning district; and
  - f. Must follow all current state and federal regulations.
- (46) Kennels (M-2, AR). All structures used as boarding or breeding kennels shall be located and activities conducted at least 400 feet from any property zoned or used for residential purposes.
- (47) Laundromat, self-service or otherwise (C-2). Central water and central sanitary sewage systems are required.
- (48) Laundry and dry cleaning establishments, including pick-up stations, package plants and coin-operated facilities (C-1, C-2). The establishment is limited to a floor area not exceeding 4,000 square feet.
- (49) Livestock (AR):
- a. Livestock shall only be permitted on a fenced lot containing two or more acres for one animal, or one and one-half acres for each animal if more than one; and
  - b. All buildings used for animals shall be set back not less than 200 feet from any property line.
- (50) Lumber, hardware and other building material establishments (C-2, M-1). Outdoor storage shall be at least 50 feet from the street right-of-way line.
- (51) Miniature golf courses (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (52) Automobile sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.
  - b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - c. Loudspeakers are prohibited.
  - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
  - e. Outside storage of other than stock-in-trade is prohibited.
  - f. Stock-in-trade must be stored on an impervious surface.
  - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.

- h. All activities except for sales shall be conducted entirely indoors.
  - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (53) Nursing home (RMF, O-I, E-I, C-2).
- a. Such facility shall obtain all necessary local and state licenses; and
  - b. There shall be a maximum of 20 beds per gross acre of development.
- (54) Outdoors sports facilities and swimming pools (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (55) Paint, glass and wallpaper stores (C-1, C-2). There shall be no outdoor storage of materials, supplies or equipment.
- (56) Personal care home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (57) Plant nurseries (C-2, M-1). Any structure used as a commercial plant nursery shall be set back at least 100 feet from any property zoned or used for residential purposes.
- (58) Public utility facilities (O-I, C-1, C-2, M-1, M-2):
- a. Minimum lot size—Five acres;
  - b. All structural parts of the facility shall be contained within the boundaries of the parcel;
  - c. An eight-foot high fence capped with barbed wire with a locked gate shall surround the facility;

- d. If electrical current is present in the facility, signs stating "high voltage" shall be attached to the fence every 20 linear feet; and
  - e. A 100-foot undisturbed buffer is required adjacent to all property lines.
- (59) Recycling facility (M-1):
- a. All separation and processing (baling, compacting, grinding or shredding) must occur entirely within an enclosed building;
  - b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the site plan;
  - c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed; and
  - d. All outside storage areas shall be screened according to the development regulations. Storage bins cannot be greater in height than the screening.
- (60) Religious institutions (all residential zoning districts):
- a. Religious institutions must be located on a lot of at least five acres and have 100 feet of street frontage;
  - b. A 50-foot buffer adjacent to residential zoning district is required;
  - c. Driveways and parking areas are exempt from setbacks;
  - d. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties;
  - e. Additional accessory uses and facilities that are customarily associated with religious institutions and intended primarily for the use of worshipers are permitted such as:
    - 1. Outdoor recreation facilities 10,000 square feet or smaller;
    - 2. Indoor recreation facilities such as gymnasiums, health, and fitness facilities;
    - 3. Recreation center and club;
    - 4. Cemetery or mausoleum;
    - 5. Museum;
    - 6. Adult day care center;
    - 7. Child day care center;
    - 8. Kindergarten;
    - 9. Private school;
    - 10. One dwelling for an employee of the place of worship;
    - 11. No outdoor activities are permitted to take place after 10:00 p.m.;
    - 12. The scale, intensity and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties;
    - 13. Must comply with the AR zoning district setbacks;

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- 14. Landscape area shall be required in accordance with the land development regulations;
  - 15. The construction of one open air pavilion utilized for picnics /social gatherings only is allowed under the following conditions:
    - (i) Minimum lot size—15 acres;
    - (ii) The pavilion must be at least 150 feet from any property line;
    - (iii) The pavilion must be constructed following the construction of the main sanctuary building;
    - (iv) The floor area cannot exceed 20 percent of the square footage of the main sanctuary building;
    - (v) The pavilion may not be lighted or used after 10:00 p.m.; and
  - 16. Church or religious tent meetings must comply with and obtain a special events permit.
- (61) School (private, parochial and/or special) and incidental sports arena, stadium or recreational field (E-1, C-1, C-2):
- a. Minimum lot size—One acres;
  - b. A minimum 100-foot wide buffer plus required setbacks shall be provided adjacent to any residential or AR zoning district;
  - c. Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or AR zoning district. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.;
  - d. Student drop-off and vehicular turn-around facilities shall be provided on the site;
  - e. The construction of one open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions
    - 1. Minimum lot size—40 acres;
    - 2. The pavilion must be at least 150 feet from any property line;
    - 3. The pavilion must be constructed following the construction of the main school building;
    - 4. The floor area cannot exceed 20 percent of the square footage of the main school building; and
    - 5. If the pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 20 percent of the main school building square footage.
- (62) Self-storage warehouses (M-1):
- a. The development will be screened from view from any right-of-way;
  - b. Development with visible exterior "drive-up" doors shall be limited to a single story. Development with all indoor storage units only accessible through interior corridor hallways shall be limited to two stories with an interior mezzanine level that is not visible to the right-of-way;

- c. Hours of operation will be limited to 7:00 a.m. to 9:00 p.m. (does not prohibit access to storage units);
  - d. All lighting will be directed downward and inward. After hours lighting will be reduced as to minimize lighting impacts on adjacent and nearby developments;
  - e. Impervious surface area is limited to 70 percent of the parcel (May 5, 2007);
  - f. Storage of vehicles, boats, and trailers, shall be located so that they are not visible from view from adjacent residential areas and public roads with any combination of privacy fence and /or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angle parking; and
  - g. No exterior loudspeakers or paging equipment shall be permitted on the site.
- (63) Sexually oriented business (M-2):
- a. It is not located within 1,000 feet of:
    - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    - 2. A public or private educational facility including but not limited to child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
    - 3. A boundary of a residential zoning district;
    - 4. A public park or recreational area which has been designated for park or recreational activities included but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land which is under the control, operation or management of the town parks and recreation authorities;
    - 5. The property line of a lot devoted to a residential use;
    - 6. An entertainment business which is oriented primarily toward children or family;
    - 7. The premises of a business licensed pursuant to the alcoholic beverage regulations of the state;
  - b. It is not located within 1,500 feet of another sexually oriented business; and
  - c. It is not located within the same building, structure or portion thereof containing another sexually oriented business.
- (64) Small engine sales and repair. (C-1, C-2, M-1):

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- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted.
  - c. All activities shall be carried on entirely within an enclosed building.
  - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (65) Special trade contractors (O-I, C-1, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (66) Temporary carnival or rodeo (AR):
- a. Said carnival or rodeo shall not be operated longer than seven days;
  - b. Tents shall require the approval of the Fayette County Fire Marshal;
  - c. Off-street parking shall be required; and
  - d. Outdoor lighting for activities shall not be permitted after 11:00 p.m.
- (67) Tennis court, club and facilities (C-2);
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (68) Waste facility (M-2):
- a. No outside storage of waste or waste containers shall be permitted;
  - b. No waste shall be stored on-site over 24 hours;
  - c. No waste facility shall be located within 1,000 feet of any AR or residential zoning district, park, playground, or other public land;
  - d. No waste facility shall be located within 5,000 feet of another waste facility; and
  - e. No waste facility shall be located within 1,000 feet of any state or federal highway right-of-way (November 20, 1997).

(Revised March 1, 2012; June 6, 2013; February 6, 2014; June 5, 2014; October 2, 2014; April 2, 2015; August 6, 2015; Ord. No. 2017-01, §§ 1, 2, 5-4-2017; Ord. No. 2017-07, § 1, 7-6-2017; Ord. No. 2018-07, §§ 5—9, 5-17-2018; Ord. No. 2018-08, § 1, 10-18-2018; Ord. No. 2020-05A, § 2, 9-17-2020)